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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,882	03/06/2002	Tara Chand Singhal	11195.41	6932

7590 Tara Chand Singhal P.O. Box 5075 Torrance, CA 90510	09/11/2007
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EXAMINER	
MAGUIRE, LINDSAY M	

ART UNIT	PAPER NUMBER
3692	

MAIL DATE	DELIVERY MODE
09/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/091,882	SINGHAL, TARA CHAND	
	Examiner	Art Unit	
	Lindsay M. Maguire	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2007 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/18/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Final Office action is in response to the application filed on March 6, 2002 and the amendments filed on July 9, 2007.

Information Disclosure Statement

The information disclosure statement filed May 18, 2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to because Figure 2 has not been included as a Non-Patent Literature document, listed on the IDS, including all applicable references to where/when it was printed. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several

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views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6 and 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,473,379 (Showghi et al. '739).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Showghi et al. '739 as applied to claims 1-6 and 8-14 above, alone.

Showghi et al. '739 disclose a central system (16, 18) on a global computer network (column 4, lines 49-50); a web-enabled wireless device (10, 22, 24, 26; Figure 2); and a bill carrying a service code (column 5, lines 17-22) being presented to the customer in the restaurant (i.e. the system is disclosed for use of delivery of food in a confined area which constitutes a restaurant), wherein the customer using the wireless device connects to the central system (or secure server), inputs the service code, bill amount, and a personal number to effect payment of the bill to the merchant (column 5, lines 17-22 & column 7, lines 43-55) that does not disclose customer identity sensitive bankcard data to the merchant (Column 5, lines 32-38). Showghi et al. '739 further disclose that the service code embeds a merchant number (i.e. venue code), a table number (i.e. seat number), and a server number (i.e. the delivery person; Table 1); the

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personal number is a combination of telephone number (if a person is using their own wireless device, i.e. 22, 24, 26, then their phone number is inherently contained within their personal number) and a personal identification number (column 5, lines 32-38, disclose the use of debit cards, which require the use of a personal identification number); a central program using the personal number retrieves pre-stored customer card data, using merchant number retrieves merchant data (column 7, lines 43-47); and prepares a payment record for submission to a card processor (column 7, lines 52-55). Furthermore, Showghi et al. '739 disclose that the central system program submits the payment record to the card processor and receives approval data (column 7, lines 52-55); wherein the central system program forwards a notification to a merchant computer (column 5, lines 29-32) and a notification to the customer on the wireless device (column 7, lines 52-55; i.e. an acknowledgement of receipt of goods, acknowledges that the payment is going through); the notification to the merchant computer system is by pushing data to the merchant computer system on a global network (see Figure 2; column 2, lines 49-50); the merchant computer displays on a display terminal the table number (seat number), the server number (delivery person), the payment amount, and the payment status (column 4, lines 20-24; column 7, lines 43-55).

Showghi et al. '739 disclose the invention substantially as claimed with the exception of requiring: (a) a paper bill (claim 1, line 4); (b) the notification to the merchant computer system of the approval data includes the tip amount (claim 7, lines 1-3); and (c) a numeric service code printed on the bill (claim 15, line 2).

With respect to (a) and (c), Showghi et al. '739 disclose payment of bills through the use of wireless devices (column 5, lines 29-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to also provide a paper bill to the customer for the basic reason of giving the customer something to keep for their records. Additionally, it would be obvious for the service code to be printed on this paper bill.

Regarding (b), Showghi et al. '739 disclose that the approval data would include the table number (seat number) and the server number (i.e. the deliverer). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an option to tip the delivery person who is delivering the ordered items to the patrons seat, since it is well known in the art to tip a person who is providing a service, and to provide an easy way for the patron to tip the deliverer without needing to carry cash. Additionally it is well known in the art to allow a patron to raise the amount of the total of their bill for the purposes of tipping or receiving cash back.

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that "the present invention is wholly different as an invention to accomplish the security of customer bankcard data, in a payment

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transaction to a restaurant merchant", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

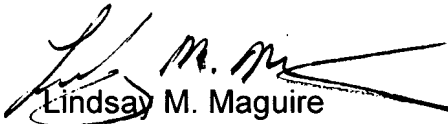
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

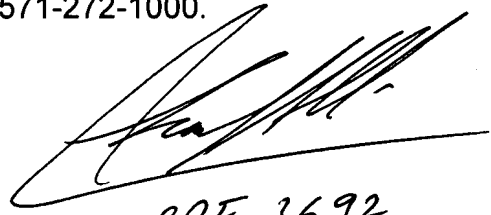
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Maguire whose telephone number is 571-272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Lindsay M. Maguire
9/4/07


SPE 3692



Replacement sheet

2 of 5

TORRANCE

5 arrested in credit fraud ring

The Secret Service arrested five people — including a Torrance man — in connection with a credit card duplication scheme, authorities said.

The man was arrested about noon Friday at a Torrance house in the 2800 block of Knode Street. He was led away in handcuffs, according to a witness.

The arrests throughout the Los Angeles area were part of an ongoing investigation into restaurant workers who duplicate credit cards used by customers, said assistant special agent Einar Kanutsen.

The Secret Service made the arrest because the agency is in charge of protecting the nation's financial institutions, Kanutsen said.

The agency did not want to identify the suspect because the investigation was continuing.

"It's an ongoing case and we'd like to say as little as possible," Kanutsen said.

PRIOR ART

The CURRENT SYSTEM

One of the problems



Figure 2

OK
to
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